

**MINUTES  
EAGAR TOWN COUNCIL  
REGULAR MEETING  
22 W. 2<sup>nd</sup> St., Eagar, AZ  
November 1, 2016 - 7:00 P.M.**

Mayor Bryce Hamblin called the Regular Council Meeting to order and welcomed those present. Mayor Hamblin requested that the record show that all Councilmembers are present. Mayor Hamblin led the Pledge of Allegiance and James Nelson, Jr. offered the invocation.

COUNCIL PRESENT: Bryce Hamblin, Mayor  
James Nelson, Jr., Vice Mayor  
Debra Seeley  
Steve Erhart  
John O. Phelps  
Winslow McNeill  
Allen Browning

STAFF PRESENT: Bruce Ray, Interim Town Manager  
Katie Brady, Finance Manager  
Eva Wilson, Town Clerk  
Frank Adams, Fire Chief  
Mike Sweetser, Interim Police Chief  
Doug Brown, Town Attorney

**ITEM #5: SUMMARY OF CURRENT EVENTS**

Councilor Winslow McNeill reported that the group that is putting together a war memorial are continuing to work on the project, and are hoping to be placed on December's agenda.

Interim Town Manager Bruce Ray reported that he attended the State Land auction and placed a bid on the Rec. Center property for \$65,000. Once the final payment is made within 30 days, the Rec. Center property will belong to the Town.

Town Clerk Eva Wilson notified Council that the newly elected candidates for Mayor and two council members will be sworn into office by Magistrate Judge Roberta Reed and for those elected officials to notify their families as the event will be an Open House.

Town Finance Manager Katie Brady notified Council that September historical financial reports are at the Council's stations tonight. The State is shorthanded right now and the State Sales Tax reports weren't readily available at the time of printing of the council packets.

**ITEM #6: OPEN CALL TO THE PUBLIC**

None.

**ITEM #7: EXECUTIVE SESSION**

A. EXECUTIVE SESSION AS ALLOWED BY A.R.S. § 38-431.03.A3 – DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY – TOWN MANAGER CONTRACT

EXECUTIVE SESSION AS ALLOWED BY A.R.S. § 38-431.03.A4. - DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – TOWN MANAGER CONTRACT; PROSPECTIVE TOWN MANAGER CONTRACT

Councilor Winslow McNeill moved to adjourn into Executive Session [at 7:08 p.m.]  
Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

**RECONVENE INTO REGULAR SESSION**

Councilor Winslow McNeill moved to reconvene into Regular Session [at 7:35 p.m.]  
Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

**ITEM # 8: PRESENTATIONS**

A. UPDATE TO THE TOWN COUNCIL AND PUBLIC ON BIOMASS RESOURCES AND INDUSTRY IN APACHE COUNTY

Apache County Natural Resource Coordinator Doyel Shamley reported on a recent land summit that occurred in September involving representatives from multiple land management agencies, legislators, and business representatives.

The main objective is to bring value-added industries, who have toured the area and others besides Concord Blue, that are willing to pay for woody biomass projects besides the gasification and electrical aspects of the industry. The perimeters of the timber industry are changing into torrefaction and pellet industries. Instead of using just the timber for graded saw timber, the idea is to use the whole product logged including pinon and juniper in value-added industries. This will benefit the area by putting the land and resources back into production, and help make safer, and productive communities.

The idea of torrefaction industries removes the water from the wood product, the pellet or chip, which makes the end product lighter, more economical to transport, and increased volatility for heat or energy production.

It will take multiple parties and agencies in the region to draw these industries in and county representation to sit at the table in these competitive markets; including a study for weight limits for state highways. Certain industries can haul 80,000 pounds on state highways helping to provide competition to neighboring states that are seeking these same industries. Highway use will be critical for our area; Highway 191 to Sanders and I-40 will be highly considered as a main transportation corridor.

The Bureau of Land Management (BLM) has created a competitive grant program called "Restore Arizona" and the local Rural Conservation and Development District (RC & D) along with Mr. Shamley applied and received a five-year funding tract for Apache and Navajo Counties. The BLM grant is \$600,000 with RC&D matching that amount along with assurances from NRCS as well. Between the two counties there are hundreds of thousands of acres of land that the torrefaction, chipping and value-added industries would receive their product from.

Arizona State Trust is also interested in releasing approximately 600,000 acres to put in the inventory for these industries. In total Mr. Shamley stated there should be approximately 889,000 acres between BLM, volunteered ranch holdings, and State Trust available for productive industry.

**B. PRESENTATION OF THE SAFEGUARD AND SERVE WITH HONOR AND VALOR AWARDS**

Interim Police Chief Mike Sweetser stated there was not a single incidence that stood out this quarter but that several employees have withstood and navigated the storms that the police department has been inundated with the past year. Through it all, and for those that have remained with the police department to work through the diversity, they have handled serious situations, performed additional duties, worked with limited personal time off, and still maintained quality customer service to external and internal customers, these employees deserve this quarters' Safeguard and Serve with Honor and Valor Awards.

Interim Chief Sweetser added that he appreciates the awardees families as well for enduring the circumstances over the past year. He extended his gratitude and thanks to these individuals for being steadfast and positive.

Acting Sergeant Steve Jones  
Officer Jason Casillas  
Officer Will Gleeson

Office Manager Zona Gilliam  
Office Assistant Summer Witting  
Animal Control Officer Robert Stonestreet

**C. PRESENTATION OF POLICE DEPARTMENT 2016 THIRD QUARTER ACTIVITY REPORT**

Officer JR Herreras was hired in July. Officer Herreras completed FTO in August giving the short staffed police department some relief. Walker Richardson graduated the police academy in August.

A presentation/training on 'Mandatory Reporting' was conducted by Chief Sweetser and Officer Gleeson for the majority of the employees of the Round Valley School District as requested by the schools. Began working with the 5<sup>th</sup> grade teachers in reference to requested presentations and help implement poster contests on various messages such as antidrug and bullying. The police department has participated with 'reading in the schools' and 'walk to school day'.

The police department has continued to provide community forums with the most recent being 'Current Trends in Drugs' and the department will implement one or two more forums in the near future.

In reference to criminal activity, no patterns were notated during this quarter.

**D. INTRODUCTION OF CHAPLAIN NATHAN SMALE AND THE NEW CHAPLAIN PROGRAM WITHIN THE EAGAR POLICE DEPARTMENT**

The police department has added a new volunteer service with a chaplain program. Interim Chief Sweetser introduced Pastor Nathan Smale from the Momentum Life Church. With the serious events that have happened within the town, it seemed necessary to get another avenue of assistance for the responders and community. Mr. Smale is undergoing some specific chaplain training. Mr. Smale will be issued a specific uniform with insignia. Mr. Smale will be available to the community as a whole.

**ITEM #9: CONSENT AGENDA**

- A. APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETING(S) HELD OCTOBER 2016
- B. APPROVAL OF AUGUST AND SEPTEMBER 2016 NATIONAL BANK OF ARIZONA TRANSMITTALS, CHECKS WRITTEN, PAYROLL DIRECT DEPOSIT VOUCHERS, AND CREDIT CARD PURCHASES
- C. ACCEPTANCE OF SEPTEMBER 2016 FINANCIAL REPORT AND SALES TAX REPORT
- D. AUTHORIZATION TO CONFIRM THE UNDERSTANDING OF THE SERVICES PROVIDED THE TOWN OF EAGAR BY HINTON BURDICK FOR THE YEAR ENDED JUNE 30, 2016 AUDIT
- E. AUTHORIZATION TO ENTER INTO CONTRACTS WITH TETRA TECH INC., AND IRONSIDE ENGINEERING AND DEVELOPMENT INC. AS THE TOWN OF EAGAR'S ON CALL ENGINEERING SERVICES AS NEEDED ON A ROTATING BASIS

- F. APPROVAL TO ADOPT RESOLUTION 2016-15 AUTHORIZING A NO PARKING ZONE ON NORTH BUTLER STREET BETWEEN 5<sup>TH</sup> AND 6<sup>TH</sup> AVENUES FROM 7:00 AM THROUGH 4:00 PM ON SCHOOL DAYS
- G. APPROVAL OF APPLICANT APPOINTMENTS TO THE EAGAR MUNICIPAL PROPERTY CORPORATION, PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD, AND PLANNING AND ZONING COMMISSION
- H. APPROVAL TO ADOPT RESOLUTION 2016-18 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE EAGAR TOWN CLERK AND ENTITLED "ORDINANCE 2016-06"
- I. APPROVAL TO ALLOW THE TOWN OF EAGAR TO ACCEPT THE LOWEST RESPONSIBLE QUOTE FOR REPAIRS TO THE ROOF AT THE EAGAR MUNICIPAL PROPERTY KNOWN AS BASHAS' STORE NOT TO EXCEED \$20,000 00

Mayor Bryce Hamblin asked that Item G of the Consent Agenda be tabled to a later date.

Councilor Steve Erhart moved to approve the Consent Agenda with the exception of Item G. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 7-0

#### **ITEM #10: UNFINISHED BUSINESS**

- A. CONSIDERATION TO ENTER INTO A SEPARATION AGREEMENT WITH TAMI RYALL

Mayor Hamblin stated the terms of the agreement have been discussed in Executive Session with the town's attorney.

Vice-Mayor James Nelson, Jr. moved to enter into a separation agreement with Tami Ryall as discussed and provided by the attorney Steve Coleman. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

- B. DISCUSSION, CONSIDERATION AND SECOND READING OF ORDINANCE 2016-06 AMENDING THE EAGAR TOWN CODE TITLE 13.60 – CEMETERY

Ms. Wilson stated this is the second reading of this Ordinance and there have not been any changes made from the first reading.

Vice-Mayor James Nelson, Jr. moved to approve Ordinance 2016-06 amending the Eagar Town Code Title 13.60, Cemetery. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously. 7-0

#### **ITEM #11: NEW BUSINESS**

A. AUTHORIZATION TO ADOPT RESOLUTION 2016-19 ALLOWING TO BE PLACED, SIGHT AND HEARING IMPAIRED CHILD AT PLAY SIGNS, AT SOUTH BUTLER STREET AT APPROXIMATELY 2<sup>ND</sup> AND 3<sup>RD</sup> STREETS, AND EAST 2<sup>ND</sup> STREET BETWEEN BUTLER AND EAGAR STREETS

The Hunt family asked that the Council consider placement of signs for their sight and hearing impaired child at 2<sup>nd</sup> Street between Butler and Eagar Streets for the safety of their child and the public. The child was recently almost hit by a vehicle while she was walking from school to the 2<sup>nd</sup> Street location and there is a need to make motorists aware of the issue. The parents also asked that extra police patrol be performed in this area after school as there is a lot of traffic with many speeding along 2<sup>nd</sup> Street. The Hunts are willing to pay for the cost of the signs.

Vice-Mayor James Nelson, Jr. moved to adopt Resolution 2016-19 allowing to be placed sight and hearing impaired child at play signs, at south Butler Street at approximately 2<sup>nd</sup> and 3<sup>rd</sup> Streets, and east 2<sup>nd</sup> Street between Butler and Eagar Streets. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

B. DISCUSSION AND CONSIDERATION TO OPEN TO ADVERTISEMENT THE TOWN MANAGER POSITON AND SETTING A SALARY RANGE

Councilor Winslow McNeill moved to advertise for the Town Manager position as instructed in Executive Session with Town Clerk Eva Wilson. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 7-0

C. DISCUSSION AND CONSIDERATION FROM COUNCIL IN REFERENCE TO TOW COMPANY USE FOR 30-DAY AND EVIDENTIARY VEHICLE IMPOUNDS

Interim Chief Sweetser stated that Mr. Morales from A&B Towing asked for a policy change in the impound location of vehicles. Interim Chief Sweetser stated he has no opinion or standing on the policy which started with 30-day impounds in an effort to make some profit.

Mayor Hamblin asked that vehicles needed for evidentiary purposes still be impound at the town yard. Interim Chief Sweetser stated that is occurring and there is no daily impound fee for those vehicles other than recovery of the tow fee. Mayor Hamblin stated the Town shouldn't be in a position to compete with private enterprise. There are two local tow companies and impounds are a part of their livelihood. There is not a lot of money made on the tow for those companies as the Town only pays them \$100 per tow. Unless the impound is for evidentiary purposes, the Town should allow the tow companies, on a rotating basis, to impound vehicles at their own yards.

Councilor Debra Seeley asked if a vehicle owner can request a particular tow company. Interim Chief Sweetser stated under the 30-day impound policy it is the next tow company on rotation. For collisions or disabled vehicles, a vehicle owner may request the tow company of their choice, unless an injury makes the driver unable to make that determination.

Interim Chief Sweetser explained the tow company rotation policy and basis upon Councilor McNeill's inquiry.

Councilor Steve Erhart moved to change policy to allow the tow companies to provide the impounding unless needed for evidence. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

**D. INTRODUCTION AND DISCUSSION OF PROPOSED TOWN OF EAGAR PERSONNEL RULES AND REGULATIONS, AND GUIDELINES**

Mayor Bryce Hamblin asked that this Item 11, D. be tabled to another month to allow the Council to have more input.

**ITEM #12: SIGNING OF DOCUMENTS**

Necessary signatures were obtained for the Minutes of October 2016; Financial Statements for August and September 2016; Understanding of Services with Hinton Burdick; Resolutions 2016-15, 2016-18, and 2016-19; and Ordinance 2016-06.

**ITEM #13: ADJOURNMENT**

Councilor Winslow McNeill moved to adjourn the meeting [at 8:00 p.m.] Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

Attest: \_\_\_\_\_

Mayor: \_\_\_\_\_

Vice-Mayor: \_\_\_\_\_

Council: \_\_\_\_\_

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CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes is a true and correct copy of the minutes of the Regular Council Meeting of the Town of Eagar, Arizona held on November 1, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

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Eva M. Wilson, Town Clerk